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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

MARY ELLEN SCHOOLER,

Defendant and Appellant.

B194830

(Los Angeles County
Super. Ct. No. KA069363)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Bruce F. Marrs, Judge. Affirmed.

Jonathan B. Steiner and Richard L. Fitzner, under appointments by the Court
of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Mary Ellen Schooler appeals from judgment entered following an order revoking probation. Previously she pled no contest to corporal injury to a spouse (Pen. Code, § 273.5, subd. (a)).¹

During the pendency of the matter and pursuant to Penal Code section 1368, defense counsel declared a doubt as to the mental competence of appellant, and the matter was set for a jury trial on the issue of competence.

On April 26, 2005, appellant waived her right to a jury trial on the issue of her competence and submitted on the written reports. The prosecution joined. The court indicated it had read the report of Dr. Gordon Plotkin, M.D., Ph.D., which indicated appellant was competent to stand trial, and found her competent. On that same date, appellant withdrew her previously entered plea of not guilty and pled no contest to the charge.

Imposition of sentence was suspended and appellant was placed on formal probation for five years upon certain terms and conditions including that she serve 180 days in jail, not drink or possess any alcoholic beverages and stay out of places where they are the chief item of sale, and that she not use or possess any narcotics, dangerous or restricted drugs or associated paraphernalia and stay away from places where buyers, users or sellers congregate.

On September 20, 2006, appellant admitted a violation of probation, that she had been using alcohol. A protective order that appellant not annoy, harass or molest her husband or child was served on appellant. Pursuant to appellant's

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The transcript of the preliminary hearing establishes that on January 15, 2005, at approximately 5:00 p.m., Emmett Henry was at his home in the City of Glendora, County of Los Angeles, with appellant, his wife. Appellant had been drinking since early in the day and in the evening "she . . . started getting a little out of hand." Mr. Henry directed his son to call the police "to get her under control." Appellant hit Mr. Henry in the arm "a couple of times" and jumped on him. She choked him, causing minor bruises and scratches on his neck and throat. With her arm around his neck and while holding a box cutter, she told him, "'I could kill you at any time' or something along those lines."

request, the matter was continued for sentencing in order for counsel to obtain mitigating documents.

On October 17, 2006, appellant was sentenced to prison for the middle term of three years.

After review of the record, appellant's court-appointed counsel filed an opening brief requesting this court to independently review the record pursuant to the holding of *People v. Wende* (1979) 25 Cal.3d 436, 441.

On February 13, 2007, we advised appellant that she had 30 days within which to personally submit any contentions or issues which she wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied that no arguable issues exist, and that appellant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against her in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112.)

DISPOSITION

The judgment is affirmed.

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WILLHITE, J.

We concur:

EPSTEIN, P.J.

SUZUKAWA, J.